

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2178

Introduced by Assembly Member Levine

February 20, 2014

An act to amend Section 33052.5 of, and to add and repeal Chapter 8.7 (commencing with Section 52280) of Part 28 of Division 4 of Title 2 of, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 2178, as amended, Levine. Pupil instruction: ~~blending learning programs~~. *Blended Learning Pilot Program*.

~~Existing~~

(1) *Existing* law establishes an adopted course of study for pupils in grades 1 to 6, inclusive, and in grades 7 to 12, inclusive.

This bill would ~~express the intent of the Legislature to enact legislation that would encourage greater innovation and expansion of blended learning models by removing barriers to innovation and accommodating new structures of operations that recognize the unique circumstances and challenges of effective blended learning programs. The bill also would make various findings and declarations~~ *establish, commencing with the 2015–16 school year and continuing through the 2017–18 school year, the Blended Learning Pilot Program to be administered by the State Board of Education for the purpose of exploring various models of innovation and documenting best and promising practices in the emerging educational delivery model known as blended learning, as specified.*

(2) *Existing* law authorizes the governing board of a school district or a county office of education, on a districtwide or countywide basis

or on behalf of one or more of its schools or programs, after a public hearing on the matter, to request the state board to waive all or part of any section of the Education Code or any regulation of the state board that implements a provision of the Education Code that may be waived, except as specified.

This bill additionally would authorize a charter school to request the state board to waive all or part of any section of the Education Code or any regulation of the state board that implements a provision of the Education Code that may be waived, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~(a)~~—The Legislature finds and declares all of the
2 following:
3 ~~(1)~~
4 (a) Significant educational innovations are occurring throughout
5 the state in the emerging area of blended learning.
6 ~~(2)~~
7 (b) School districts, county offices of education, and charter
8 schools are offering a blended approach that integrates more
9 effective in-person instructional strategies with access to
10 technology-enabled learning opportunities inside and outside of
11 traditional classrooms.
12 ~~(3)~~
13 (c) Early results are showing that a blended learning
14 environment can improve pupil achievement, particularly for those
15 pupils with the greatest needs.
16 ~~(4)~~
17 (d) These programs, however, are not well-supported by the
18 existing statutory and regulatory structure that was designed for
19 programs to operate either as fully traditional seat-time or fully
20 independent study.
21 ~~(5)~~
22 (e) Constraints placed on blended learning programs limit their
23 ability to further innovate and better serve the highest-need pupils.
24 ~~(6)~~
25 (f) Changes are needed to ensure both school districts and charter
26 schools may expand innovation of blended learning models.

~~(b) It is the intent of the Legislature to enact legislation that would encourage greater innovation and expansion of blended learning models by removing barriers to innovation and accommodating new structures of operations that recognize the unique circumstances and challenges of effective blended learning programs.~~

SEC. 2. Section 33052.5 of the Education Code is amended to read:

33052.5. For purposes of this article, “school district” shall include county offices of education *and charter schools*.

SEC. 3. Chapter 8.7 (commencing with Section 52280) is added to Part 28 of Division 4 of Title 2 of the Education Code, to read:

CHAPTER 8.7. BLENDED LEARNING PILOT PROGRAM

52280. For purposes of this chapter, the following terms have the following meanings:

(a) “Blended learning” means a formal education program in which a pupil learns at least in part through online delivery of content and instruction with some element of pupil control over time, place, and pace and at least in part at a supervised location away from home.

(b) “Pilot program” means the Blended Learning Pilot Program established pursuant to this chapter.

52281. (a) The Blended Learning Pilot Program is hereby established and shall be administered by the state board to explore various models of innovation and document best and promising practices in the emerging educational delivery model known as blended learning.

(b) Commencing with the 2015–16 school year, the pilot program shall operate for three school years. The state board shall establish an application process and timeline to ensure pilot program participants are selected and applicable waivers are approved before the commencement of the 2015–16 school year.

(c) The state board may solicit and receive grants from private not-for-profit foundations and organizations for purposes of funding the administration of the pilot program.

52282. (a) A school district, county office of education, charter school, or charter school management organization may apply to the state board to participate in the pilot program. A single

1 applicant may include more than one school if each school in a
2 single application shares a common educational model and
3 administrative structure.

4 (b) Each application shall be submitted to the state board in
5 writing and, at a minimum, shall include all of the following:

6 (1) A written proposal describing the blended learning program
7 offered by the applicant and the specific pupil population served
8 by the applicant.

9 (2) Evidence of the applicant's track record of success in
10 operating a blended learning program.

11 (3) Evidence of the applicant's track record of success in serving
12 the target pupil population, and particularly in closing the
13 achievement gap for high-need pupils, including English learners,
14 pupils living in poverty, foster youth, and other pupil subgroups
15 identified as underperforming.

16 (4) The applicant's plan for documenting and reporting to the
17 state board on its promising practices and pupil outcomes during
18 the term of the pilot program, including specific educational goals
19 and outcomes that align with the applicant's local control and
20 accountability plan, adopted pursuant to Article 4.5 (commencing
21 with Section 52060) of Chapter 6.1.

22 (5) A description of any partnerships the applicant has
23 developed with individuals and organizations outside of the
24 applicant organization, including, but not limited to, blended
25 learning policy and research entities, academic institutions,
26 educational technology experts, community organizations, and
27 local employers.

28 (6) Evidence of support for the application by individuals and
29 organizations outside of the applicant organization, including, but
30 not limited to, blended learning policy and research entities,
31 academic institutions, educational technology experts, community
32 organizations, and local employers.

33 (7) The name and address of each school included in the
34 application.

35 (8) A description of specific statutes for which the applicant
36 requests a waiver in accordance with Section 52284 and Article
37 3 (commencing with Section 33050) of Chapter 1 of Part 20 of
38 Division 2, if any. The waiver request shall include a description
39 of the educational benefit to be achieved as a result of the waiver
40 and any alternative conditions, procedures, or requirements that

1 *may be applied as an alternative to the statutes proposed to be*
2 *waived.*

3 *52283. The state board shall select up to 20 applicants to*
4 *participate in the pilot program. In evaluating and selecting pilot*
5 *program participants, the state board shall consider all of the*
6 *application criteria listed in Section 52282 and all of the following:*

7 *(a) The overall viability of the applicant's blended learning*
8 *model and the applicant's likelihood to successfully achieve desired*
9 *outcomes for the pupils enrolled in the pilot program.*

10 *(b) The degree to which the applicant can demonstrate early*
11 *success with employing innovation in the field of blended learning.*

12 *(c) The degree of rigor and reasonableness of the goals and*
13 *outcomes the applicant has defined for the pilot program.*

14 *(d) The degree to which the total selected participant pool*
15 *reflects a range of blended learning models and structures of*
16 *service delivery.*

17 *52284. (a) The state board may amend a waiver request*
18 *submitted by an applicant pursuant to Section 52282, consider*
19 *alternative waivers, or impose additional terms on an applicant*
20 *as a condition of a waiver receipt at the state board's discretion.*
21 *Nothing in this chapter shall require the state board to approve a*
22 *waiver requested by an applicant.*

23 *(b) An applicant for the pilot program shall be deemed a school*
24 *district for the purposes of requesting and receiving waivers*
25 *authorized pursuant to Article 3 (commencing with Section 33050)*
26 *of Chapter 1 of Part 20 of Division 2. Applicants for the pilot*
27 *program may request, and the state board may approve, waivers*
28 *subject to any alternative oversight or conditions determined by*
29 *the state board. An approved waiver shall further the intent of the*
30 *pilot program to offer greater flexibility to further innovation and*
31 *pupil achievement in blended learning programs and may include,*
32 *but not be limited to, waivers that achieve any of the following:*

33 *(1) Recognize and offer flexibility on existing operational*
34 *barriers that constrain innovation in blended learning programs.*

35 *(2) Allow alternative class structures and instructional delivery*
36 *models.*

37 *(3) Support structures that promote individualized instruction*
38 *in a blended learning online and schoolsite environment.*

39 *(c) A charter school participating in the pilot program shall be*
40 *exempt from the funding determination process and*

1 *classroom-based instruction criteria established in subdivisions*
2 *(d) and (e) of Section 47612.5, Section 47634.2, and any*
3 *implementing regulations.*

4 *(d) A charter school participating in the pilot program shall*
5 *notify its authorizing entity of its participation in the pilot program*
6 *and shall provide the authorizing entity a copy of any waiver that*
7 *is approved as a result of participation. Participation in the pilot*
8 *program and approval of an associated waiver shall not be*
9 *considered a material revision to the school's charter.*

10 *52285. The state board may terminate the participation of a*
11 *participant in the pilot program, and any associated waivers, for*
12 *good cause, as determined by the state board at a public meeting*
13 *at any time.*

14 *52286. (a) At the end of each school year, a school*
15 *participating in the pilot program shall submit a report to the state*
16 *board on its progress and outcomes in accordance with format*
17 *and content requirements and timeline as determined by the state*
18 *board.*

19 *(b) (1) No later than December 31, 2018, the state board shall*
20 *submit a report to the Legislature on the results of the pilot*
21 *program, including recommendations on whether to continue any*
22 *of the waivers for the schools that participated in the pilot program*
23 *and whether any other changes in the law are supported as a result*
24 *of the outcomes achieved in the participating schools.*

25 *(2) A report submitted pursuant to paragraph (1) shall be*
26 *submitted in compliance with Section 9795 of the Government*
27 *Code.*

28 *52287. This chapter shall remain in effect only until January*
29 *1, 2019, and as of that date is repealed, unless a later enacted*
30 *statute, that is enacted before January 1, 2019, deletes or extends*
31 *that date.*